

ZONE CHANGE  
(ZC)



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**TOWN OF CHINO VALLEY  
DEVELOPMENT SERVICES  
1982 VOSS DRIVE #203  
CHINO VALLEY, AZ. 86323  
(928) 636-4427 / FAX: (928) 636-6937**

## **ZONE CHANGE APPLICATION AND SUBMITTAL REQUIREMENTS**

### **SUBMITTAL REQUIREMENTS**

1. If the Zone Change request has appeared before the Technical Review Committee include a copy of the letter summarizing the discussion and comments from the Technical Review Meeting.
2. Please provide a copy of the title, deed or contract showing proof of legal owner or contract purchaser.
3. **APPLICATION FEES:** Zone Change requires a \$400.00 application fee, \$10 per acre, along with a \$230.00 advertising fee.
4. Please provide the original notarized copy of the “Agreement to Waive Claims for Diminution in Value” (see page 11 of this application).
5. Submit the original and fourteen (14) copies of the application forms.
6. Submit the original and fourteen (14) copies of an accurate Site Plan on a minimum eleven by seventeen (11x17) inch sheet (or other as determined by the Zoning Administrator).
7. Email a PDF or JPEG to [dsd@chinoaz.net](mailto:dsd@chinoaz.net) of the site plan and any additional electronic documents.
  - a. Email an electronic (Microsoft Word) legal description and record of survey.
  - b. If the legal description references any other recorded documents (i.e. easements, dedications, and restrictive covenants) a copy of the recorded documents must also be provided.

**Additional Information Requirements:** After review of the application, Town staff may determine that there is not sufficient information to adequately evaluate the proposal as submitted (i.e. Traffic Generation & Flow Data, Noise Attenuation Studies & Environmental Impact Studies). The Town will contact the applicant to request additional information, if necessary, to complete the review.

### **CITIZEN REVIEW PROCESS FOR NEIGHBORHOOD MEETING**

Additional information can be found in Section 1.9.5 on page six (6) of this application.

1. To set up a neighborhood meeting you must choose a date that is a minimum of 25 days after the date the application for a Rezone is received by the Town of Chino Valley. The preferred start time of the neighborhood meeting is between 4 and 5 p.m.
2. Using the Yavapai County Assessors office Web-Site or another source, the applicant shall create a vicinity map showing the areas within 300 feet of the property boundaries and a

mailing list which includes the names and addresses of the property owners located within 300 feet of the property boundaries.

3. Please complete and submit for review one (1) copy of the "Sample Neighborhood Meeting Letter" that is to be sent to property owners notifying them of the time, date and location of the Neighborhood Meeting. A sample letter is included in this application packet. Once the review is completed you will be notified by Town staff when to send out the neighborhood meeting letters.
4. AFFIDAVIT OF MAILING: After the neighborhood meeting letters have been mailed out provide the original notarized copy of the affidavit of mailing.
5. At least 15 days prior to the neighborhood meeting, the Development Services Department shall publish an ad in a newspaper of general circulation in the Town which includes the time date and location of the neighborhood meeting.

#### CITIZEN REVIEW PROCESS FOR THE PLANNING COMMISSION MEETING

1. The Development Services Department will provide the date that the request will be placed on the Planning Commission agenda.
2. Please complete and submit one (1) copy of the "Sample Public Meeting Letter" that is to be sent to property owners notifying them of the time, date and location of the Planning Commission Public Hearing. A sample letter is included in this application packet.
3. AFFIDAVIT OF MAILING: Please provide the original notarized copy of the affidavit of mailing once the Planning Commission Public Hearing Letters have been mailed out.
4. At least 15 days prior to the Planning Commission Public Hearing, the Development Services Department shall publish an ad in a newspaper of general circulation in the Town which includes the time date and location of the Hearing.

#### **FEES**

**The Applicant/Developer will pay all fees up front.**

a. Zone Change Application Fee	\$400.00 plus \$10.00 per acre
b. Advertisement fee for neighborhood meeting	\$115.00
c. Advertisement fee for public hearing	\$115.00

**ZONE CHANGE PERMIT FEES: \_\_\_\_\_ DATE PAID: \_\_\_\_\_**

## INFORMATION FOR CITIZEN INPUT OPPORTUNITIES

The following is provided to let all concerned citizens know that typically there are several opportunities to gather information, offer input and ask questions on a proposed request for a Zone Change. The public process is summarized below.

1. **NEIGHBORHOOD PUBLIC MEETING** – the purpose of the meeting is for the applicant requesting a Zone Change to present his plans to neighboring residents. The applicant is required to conduct a Neighborhood Meeting prior to any Public Hearing. The applicant sends notification letters to owners of properties in the vicinity of the requested Zone Change. The Town also publishes a Neighborhood Meeting Notice in the newspaper and on the Town’s website. At the Neighborhood Meeting the applicant explains the request, plans for future development of the property and answers questions of the public in attendance.

**This is the first of several public meetings at which the neighbors and community residents may express their questions, concerns, support or other suggestions.**

2. **PLANNING & ZONING COMMISSION PUBLIC HEARING** – the purpose of the hearing is for the requested Zone Change to be reviewed by an appointed panel of citizens and to hear public input. The applicant requesting a Zone Change is required to send Public Hearing Notice letters to owners of properties in the vicinity of the requested Zone Change. The Town also publishes a Public Hearing Notice in the newspaper and on the Town’s website. At the P&Z Public Hearing, the Town staff presents a report on the requested Zone Change and summarizes primary public comments heard at the Neighborhood Meeting and others received. The applicant presents the requested proposal for the Zone Change. The Commission may discuss the request and then opens the meeting for Public input.

**This is the second of several public meetings at which the neighbors and community residents may express their questions, concerns, support or other suggestions.**

After receiving public input, the Commission may recommend action, with their reasons, to the Town Council for approval, approval with conditions of approval, or denial.

3. **TOWN COUNCIL PUBLIC HEARING** – the purpose of the public hearing is for the review of the requested Zone Change by the elected Town Council after receiving the Commission’s report and public input. The Town publishes a Public Hearing Notice in the newspaper and on the Town’s website for the scheduled date that the requested Zone Change will be heard. At the Council’s Public Hearing, the Council reviews the staff report with the Planning Commission’s recommendation on the requested Zone Change and summaries of primary public comments. The applicant presents the requested proposal for the Zone Change. The Council may discuss the request and then opens the meeting for Public input.

**This is the third public meeting at which the neighbors and community residents may express their questions, concerns, support or other suggestions.**

After hearing public comment, the Council may take action to adopt the recommendation of the Commission, modify the recommendation, deny or defer the request.



## ZONE CHANGE APPLICATION

<b>1.</b>	PROPERTY OWNER NAME MAILING ADDRESS TELEPHONE NUMBER FAX NUMBER	
<b>2.</b>	APPLICANT NAME MAILING ADDRESS TELEPHONE NUMBER FAX NUMBER	
<b>3.</b>	ENGINEER NAME MAILING ADDRESS TELEPHONE NUMBER FAX NUMBER	
<b>4.</b>	ARCHITECT/DESIGNER ADDRESS TELEPHONE NUMBER FAX NUMBER	
<b>5.</b>	SITE LOCATION (Major Cross Streets)	
<b>6.</b>	ASSESSORS PARCEL NUMBER(S)	
<b>7.</b>	SITE DIMENSIONS	
<b>8.</b>	SITE AREA (GROSS)	
<b>9.</b>	EXISTING STRUCTURES	
<b>10.</b>	DESCRIBE ACCESS TO THE SITE (STREET FRONTAGE OR EASEMENT)	
<b>11.</b>	UTILITIES PROVIDED BY	ELECTRIC: GAS: WATER: SEWER:
<b>12.</b>	FLOOD ZONE DESIGNATION	
<b>13.</b>	EXISTING ZONING	
<b>14.</b>	REQUESTED ZONING	
<b>15.</b>	<u>ADJACENT ZONING</u> NORTH: SOUTH: EAST: WEST:	<u>ADJACENT LAND USE</u> NORTH: SOUTH: EAST: WEST:
<b>16.</b>	TOPOGRAPHY	

<b>17.</b>	<b>INTENT OF THE ZONE CHANGE REQUEST:</b>
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OWNER'S SIGNATURE: \_\_\_\_\_ DATE: \_\_\_\_\_

APPLICANT'S SIGNATURE: \_\_\_\_\_ DATE: \_\_\_\_\_

(Office Use Only):
Date of Meeting: _____ Time of Meeting: _____
Agency's Notified: _____
Log #: _____



The following information is written to summarize the Unified Development Ordinance (UDO) sections regarding Zone Change requests.

#### 1.9.2 AMENDMENT

- A. Intent. Regulations set forth in this Ordinance and boundaries of Zoning Districts established by the Town may be amended, supplemented, changed, modified or repealed when deemed necessary to best serve the public interest, health, comfort, convenience, safety and general welfare of the citizens of the Town.
- B. Review. Upon receipt of an application for an amendment, including requests for Use Permits and Conditional use permits, the Development Services Director, or his/her designee, shall review the application for completeness and applicability to this Ordinance and the General Plan, comment on the proposal, and shall adhere to the posting and publication requirements required by Arizona law, including compliance with the Citizen Review Process provided in Section 1.9.5, prior to the public hearing before the Planning and Zoning Commission. Requests for amendments or change of zoning shall be considered by the Planning and Zoning Commission for the purpose of making a written recommendation, which shall, after holding a public hearing at which parties of interest and citizens have been heard, include the reasons for such recommendations, to the Mayor and Council. Council may adopt the recommendation of the Commission without holding a second public hearing if there is no objection, request for public hearing, or other protest.
  - 1. Council shall hold a public hearing if requested in writing by the applicant, or by any person appearing in opposition at the Commission hearing, or by any person who has filed a written protest, in accordance with Arizona law.
  - 2. If an application for amendment is denied by Council, or the application is withdrawn after Commission hearing, the Commission shall not consider an application for the same amendment within one (1) year from the date of the original hearing.
- C. Adoption. Adoption of an amendment may be subject to such conditions Council deems applicable to enforce this Ordinance. If one condition is a schedule for development of specific uses for which zoning is requested, and at expiration of that period the property has not been developed according to said schedule, it may be reverted to its former zoning classification by the Council.
- D. Application. An application for an amendment shall be filed and signed by:
  - 1. The owner of the property.
  - 2. One (1) or more of several joint owners of property whose ownership constitutes a majority interest in the property;
  - 3. Seventy-five (75) percent, or more, of the owners of property in the area to be affected, when the application affects more than one (1) property; or
  - 4. An agent of any property owner(s) authorized to sign as above, when the authority of the agent is in writing and filed with the application.

5. In addition to other requirements that the Town may adopt, any application for amendment shall include a statement of purpose for the amendment, a statement regarding access and utility availability, and a statement demonstrating conformance with the Town's General Plan
- E. Protests. If the owners of twenty (20) percent or more of the area of the lands included in a proposed ordinance or zoning map change, or those immediately adjacent in the rear or any side extending one hundred fifty (150) feet therefrom, or those directly opposite extending one hundred fifty (150) feet from the street frontage of opposite lots, file a protest in writing against a proposed ordinance amendment, such amendment shall not become effective except by favorable vote of three-fourths (3/4) of the Council. If any member of Council is unable to vote because of a conflict of interest, then the required number of votes shall be three-fourths (3/4) of the remaining Council members (provided that required number of votes shall not be less than a majority of the full Council).
- F. Annexation. Areas, when annexed to the Town of Chino Valley, shall, until officially zoned by the Council, be considered to be zoned to match comparable County zoning designations as shown on the Official Zoning Map of Yavapai County at the time of annexation. Such County zoning shall apply for not more than six (6) months.

#### 1.9.5 CITIZEN REVIEW PROCESS

Prior to any public hearing, as required under this Ordinance, on any application for any Ordinance that changes any property from one zoning district to another, a use or conditional use permit application that imposes any regulation not previously imposed, or that removes or modifies any such regulation previously imposed, the Zoning Administrator, or his/her designee, shall require the applicant to conduct a neighborhood meeting or an acceptable alternative prior to a public hearing to consider the proposal. A written notice of the application shall be mailed to all landowners of property within three hundred (300) feet of the property that is subject to a rezone, use or conditional use permit application and to such other persons as the Zoning Administrator, or his/her designee, reasonably determines to be other potentially affected citizens. In determining the number of potentially affected citizens, the Zoning Administrator, or his/her designee, shall review the density and intensity of residential development in the general vicinity, the existing street system, and other factors that may be related to the zoning or Use Permit's impact on the character of the neighborhood.

The written notice shall also include a general explanation of the substance of the proposed rezoning, Use Permit application and shall state the date, time and place scheduled for a neighborhood meeting, at which any adjacent landowner(s) or those other potentially affected citizens, will be provided a reasonable opportunity to express any issues or concerns that the landowner or citizen may have with the proposed zoning or Use Permit application before any required public hearing. The written notice shall be given at least fifteen (15) days before the neighborhood meeting in the following manner:

The notice shall be published once in a newspaper of general circulation published or circulated in the Town.



The notice shall be posted upon the sign required in this Ordinance, unless waived by the Zoning Administrator, or his/her designee.

The notice shall be mailed in accordance with the same procedures as required in, and delivered in accordance with the provisions of the Ordinance.

The Zoning Administrator, upon consultation with the applicant, shall establish a time, date and place for the neighborhood meeting that provides a reasonable opportunity for the applicant, adjacent landowners and those other potentially affected citizens to discuss and express their respective views concerning the application and any issues or concerns that they may have with the zoning or change of zoning and Use Permit proposed by the application. The Zoning Administrator, or his/her designee, shall attend the meeting, but is not required to conduct the meeting. The Zoning Administrator, or his/her designee, shall report the results of the neighborhood meeting to the Commission and Town Council at such time as they take action on the application.

At the discretion of the Zoning Administrator, or his/her designee, an alternative citizen review process may be used that does not involve a neighborhood meeting. The alternative process shall consist, at a minimum, of the following:

Written notice as described above, except that the notice shall only indicate the name, address and phone number of the member of the planning staff to whom adjacent landowners within three hundred (300) feet or other potentially affected citizen, may contact to express any issues or concerns that the landowner or citizen may have with the proposed rezoning.

A staff report summarizing any issues or concerns expressed by adjacent landowners shall be presented to the Commission and Mayor and Council at such time as they take action on the application.



*“SAMPLE NEIGHBORHOOD MEETING LETTER”*

Date

**From:** Applicant Name  
Applicant Address  
Applicant City, State, Zip

**To:** Property Owner Name  
Property Owner Address  
Property Owner City, State, Zip

**RE:** Assessor’s Parcel Number: (NUMBER)  
Property Address: (ADDRESS)

Type of Application: (TYPE)

Dear Property Owner:

The **(APPLICANT/DEVELOPER)** is proposing **(REQUEST)** for Assessor’s Parcel Number(s) **(NUMBER)** This **(ACRES OR AREA)** parcel is located **(LOCATION)**.

The Town of Chino Valley Unified Development Ordinance (UDO) requires that prior to any public hearing, the Zoning Administrator (ZA) shall require the applicant to conduct a neighborhood meeting or an acceptable alternative prior to holding a public hearing. For the above mentioned request, the ZA required a neighborhood meeting therefore copies of this letter have been mailed to all landowners within three hundred (300) feet of the subject property(ies). The meeting is intended to allow adjacent landowners or those other potentially affected citizens, a reasonable opportunity to discuss and express their respective views concerning the application.

A neighborhood meeting will be held at **(TIME)**, on (Day), **(DATE)**, at the **(LOCATION and ADDRESS)**. The **(APPLICANT/DEVELOPER)** will describe the proposal and answer any questions. The ZA, or his designee, shall attend the meeting and shall report the results of the neighborhood meeting to the P&Z Commission and Town Council at such time as they take action on the application. All interested parties are invited to attend.

If you are unable to attend the meeting and would like more information please contact the Town of Chino Valley Development Services Department at 928-636-4427.

Thank you for your consideration in this matter.

Sincerely,

(Applicants name)

## “SAMPLE PUBLIC MEETING LETTER”

**From:** Applicant Name  
Applicant Address  
Applicant City, State, Zip

**Date**

**To:** Property Owner Name  
Property Owner Address  
Property Owner City, State, Zip

**RE:** Assessors Parcel Number: (NUMBER)  
Property Address: (ADDRESS)

Type of Application: (TYPE)

Dear Property Owner:

It is the intent of *applicant name* who reside(s) at the above address to (rezone, conditional use permit to, preliminary plat.... on) parcel # *xxx-xx-xxx* from the current zoning of *xxx* to *xxx*. This parcel is located at *xxxxxxxxx*. *Describe reason for the rezone/conditional use permit request.*

A public hearing will be held before the Planning and Zoning Commission on *date* at the Chino Valley Council Chambers–South Campus, located at 202 N. State Route 89, Chino Valley, Arizona at 6:00 p.m. All interested parties are invited to attend.

Please return the lower portion of this letter with your comments to: Town of Chino Valley, Development Services Department, 1020 Palomino Road, Chino Valley, AZ, 86323 or you can express any concerns by contacting David Nicolella with the Town of Chino Valley Development Services Department at 928-636-4427.

Thank you for your consideration in this matter.

Detach Here

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Please Check One:

*Applicant Name*  
*Applicant APN #*

\_\_\_\_\_ I approve of this rezoning/conditional use permit.

\_\_\_\_\_ I oppose this rezoning/conditional use permit.

Comments: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Name: \_\_\_\_\_

Signature: \_\_\_\_\_

PLEASE RESPOND BY *DATE*

## AFFIDAVIT OF MAILING

STATE OF ARIZONA            )  
  )  
COUNTY OF YAVAPAI        )            **ss.**

Signature of Applicant or Agent

Subscribed and sworn before me this \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_\_.

Notary Public

My Commission expires on \_\_\_\_\_

NOTE: This affidavit is part of the Citizen Participation Report.

**TOWN OF CHINO VALLEY**

**AGREEMENT TO WAIVE CLAIMS FOR DIMINUTION IN VALUE**

**PURSUANT TO A.R.S. §12-1134**

I/We, \_\_\_\_\_, ("Owner") am/are all the owner(s) of real property ("Property") generally located at \_\_\_\_\_, consisting of approximately \_\_\_\_\_ acres, as shown in the evidence of ownership attached as Exhibit A and legally described in Exhibit B, both of which are attached to this Agreement.

The Property is subject to the land use laws of the Town of Chino Valley, Arizona or to be annexed by the Town. For purposes of this Waiver, "land use law" shall be defined as set forth in A.R.S. § 12-1136.

I/We have requested that the Town take/approve the land use action ("Requested Action") as set forth in Exhibit C, which is attached to this Agreement.

I/We acknowledge that as the request is processed for approval, changes may be made to the details and requirements for approval of the request. Some of these changes may materially alter the request, so that the final approval may be substantially different than originally requested. I/We understand and agree that execution of an additional waiver will be required for approval if the request is altered.

I/We acknowledge that the Requested Action may alter my/our rights to use, divide, sell or possess our Property, and that, pursuant to A.R. S. § 12-1134, as the owner of property directly regulated by a land use law, I/we may be entitled to compensation from the Town for diminution of value in the property if the action I/we have requested from the Town reduces the fair market value of the above described property.

By signing this Agreement, I/we together with Owner's heirs, successors or assignees, hereby voluntarily agree to waive any and all claims for diminution in value



**EXHIBIT A**

**EVIDENCE OF OWNERSHIP**

**EXHIBIT B**

**LEGAL DESCRIPTION**

**EXHIBIT C**

**REQUESTED LAND USE ACTION**